

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARY L. PETERSEN,

Plaintiff,

vs.

ELLA OPP, et al.,

Defendants.

8:12CV420

ORDER

This matter is before the court sua sponte, and pursuant to NECivR 41.2, which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” Further, Fed. R. Civ. P. 4(m) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on December 7, 2012. **See** [Filing No. 1](#). The court issued summonses December, 2012. No evidence exists in the record whether the plaintiff has served any of the defendants. However, three of the five defendants filed answers in December, 2012. **See** Filing Nos. [5](#), [6](#), and [7](#). The plaintiff has taken no further action in this case. The defendants Arnie Ahlman and Paula M. Gilson have not entered an appearance in this case or filed any response to the plaintiff’s complaint.

On May 9, 2013, the court entered an order requiring the plaintiff to amend the complaint to set forth the basis for the plaintiff’s claims against the defendants and to establish subject matter jurisdiction. **See** [Filing No. 9](#). The court gave the plaintiff until June 10, 2013, to file an amended complaint. **Id.** The plaintiff did not respond to the court’s order.

It remains the plaintiff’s duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendants Arnie Ahlman and Paula M. Gilson, who have not filed answers. Furthermore, the plaintiff shall file the amended complaint forthwith or show cause why sanctions should not be imposed, to the extent allowed by Fed. R. Civ. P. 37, which may include dismissal of this action, for failure to comply with this court’s orders. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on July 18, 2013**, to (1) file evidence of service or show cause why this case should not be dismissed for failure to prosecute the defendants Arnie Ahlman and Paula M. Gilson, and (2) file an amended complaint or show cause why sanctions should not be imposed for failure to comply with this court's order.

ADMONITION

Pursuant to [NECivR 72.2](#) any objection to this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely object may constitute a waiver of any objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 18th day of June, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge